



**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**CHARLES (RANDY) TURNER and
KATHRYN L. TURNER,**

Plaintiffs,

v.

JPMORGAN CHASE BANK NA,

Defendant.

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NO. 3:12-cv-2701-M (BF)

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Plaintiff Charles Turner, apparently proceeding *pro se*,¹ has filed a Notice of Appeal to the Fifth Circuit and seeks leave to proceed *in forma pauperis*. The standards governing *in forma pauperis* motions are set forth in 28 U.S.C. § 1915(a). The district court may authorize the commencement or appeal of a civil action without the prepayment of fees or costs “by a person who makes an affidavit that he is unable to pay such costs or give security therefor.” 28 U.S.C. § 1915(a)(1). The court must examine the financial condition of the applicant in order to determine whether the payment of fees would cause an undue financial hardship. *Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988). A district court enjoys limited discretion to grant or deny *in forma pauperis* status based on the financial resources of the litigant. *See Adkins v. E.I. Du Pont De Nemours & Co.*, 335 U.S. 331, 337 (1948).

Here, a review of the financial information submitted with the request for leave to proceed *in forma pauperis* reflects that Plaintiffs’ monthly expenses may exceed their current monthly

¹ The docket sheet reflects that Plaintiffs are represented by Douglas Bracken and Bruce Turner of Bennett Weston LaJone & Turner PC. Neither Mr. Bracken nor Mr. Turner has filed a motion to withdraw as counsel.

income. However, Plaintiffs indicate that they receive approximately \$1,700.00 per month in social security retirement income and list their home valued at \$1.8 million as an asset. In light of these facts, the court is unable to conclude that payment of fees or costs on appeal will result in “undue financial hardship” to Plaintiffs. Accordingly, Charles Turner’s request to proceed *in forma pauperis* should be denied.

RECOMMENDATION

The District Court should DENY Charles Turner’s Application (Doc. 110) to proceed *in forma pauperis*.

SO RECOMMENDED: February 9, 2015.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE